

EXHIBIT A



ORIGINAL

Volume 1

Pages 1-184

Exhibits: See index

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11842-PBS

SCOTT RODGERS, :
 Plaintiff :
 v. :
CORRECTION OFFICER ORCHID, :
UNKNOWN CORRECTION OFFICER :
JOHN DOE, JOE WHITMORE, :
DOCTOR HOWARD, JOHN SMITH, :
PLYMOUTH COUNTY, :
 Defendants :

DEPOSITION OF **SCOTT RODGERS**, taken on behalf of the Defendants, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Carol A. Fierimonte, Certified Shorthand Reporter and Notary Public within and for the Commonwealth of Massachusetts, (#134693), at the Norfolk County Correctional Facility, 20 West Street, Dedham, Massachusetts, on Thursday, **December 29, 2005**, commencing at 10:20 a.m.

SHEA COURT REPORTING SERVICES
(617) 227-3097

1 left. I don't know in relation to north,
2 south and east and west. You can't tell
3 when you're in there.

4 Q. Was there one staircase or more than one
5 staircase in the second tier?

6 A. I think one.

7 Q. Okay.

8 A. I never really went upstairs so I don't
9 really know. I know I seen one that was
10 near my cell. I think it is just one.

11 Q. And your memory is that your cell door was
12 two cells down from the stairs?

13 A. I think so, yes.

14 Q. Okay. Now, on the night that you became
15 sick, you recall the lockdown was around
16 ten o'clock and you went to sleep soon
17 after?

18 A. I was already in bed because I didn't feel
19 good. I was just laying there.

20 Q. Okay.

21 A. And I had been talking to that Chin for a
22 little while.

23 Q. Did Chin speak English?

24 A. Yes.

1 Q. Okay.

2 A. Yes.

3 Q. Okay.

4 A. And one of the kids that was in there, I
5 didn't know his name, I only saw him a few
6 times, he was a real bad drunk and he was
7 still coming off the booze so he just laid
8 up in his bunk and didn't do nothing. He
9 would make noises and stuff. So he was
10 already up there too.

11 Q. Okay.

12 A. And then Jesus was always running around
13 so I didn't know where he was.

14 Q. Now, at some point you were able to sleep
15 for a short while at least that night,
16 correct?

17 A. Yes, yes.

18 Q. At some point in that evening you woke up?

19 A. Yes. Around a little after 11. What's
20 good about that cell is everybody in there
21 wanted the lights out as soon as we got in
22 there. Nobody would keep the light on all
23 night.

24 Q. What time did you wake up?

1 A. I'm not positive. I think it was like 11,
2 a little after 11. I was pretty sick.
3 Woke up nauseous and puking.

4 Q. Did you vomit in your bed or elsewhere?

5 A. In the toilet.

6 Q. Were your cell lights out at the time that
7 you vomited in the toilet?

8 A. The first few times, yes. I even -- when
9 I threw up one time, it was like I don't
10 know, two in the morning or so, Chin said
11 something to me because I didn't flush the
12 toilet. He kept hearing the toilet. I
13 said, "Look at this shit, what is this?"
14 So he got up and looked at it. He goes,
15 "Man," he goes, "it look like cake." He
16 goes, "Man, I think that is blood." I go,
17 "Blood, it's not red."

18 Q. So the first time that you noticed that
19 there was blood in your vomit was around
20 two o'clock when Chin got up?

21 A. No. Noticed something, I knew something
22 was in it but I thought it was fluid and I
23 was trying to figure how food could turn
24 up after you eat it and digest it and come

1 out and look like that. And it was still
2 dark. I didn't turn the light on because
3 I didn't want to wake these guys up. I
4 was like I couldn't figure it out. It
5 looked like coffee grounds or somebody
6 threw chocolate cake in the toilet.

7 Q. So up until the point in time that you
8 spoke with Chin, it didn't occur to you
9 that it could be blood in your vomit,
10 correct?

11 A. No. I knew something was wrong but I
12 didn't know what it was. I had no clue.

13 Q. All right. What I am trying to get is an
14 answer to a specific question,
15 Mr. Rodgers. All right?

16 A. Yes.

17 Q. Up to the point in time around two o'clock
18 when you spoke with Chin, it hadn't
19 occurred to you that there was blood in
20 the vomit, had it?

21 A. Did it occur to me that it was blood in
22 there before Chin, yes. I'd say I thought
23 about it but I didn't -- not when I -- I
24 know what you're trying to ask me. But

1 when I puked the first time, I didn't know
2 what it was. And then as I laid there and
3 thought about it, it kept really getting
4 to me. And then I puked again and I am
5 drinking water and I am wiping my face. I
6 am saying maybe this is blood or
7 something. And I am, like, nah. And then
8 I thought cake and then I thought, nah.
9 And then I thought it has got to be blood,
10 what else could look like that? Nothing
11 else could look like that.

12 And then I said to him, when he
13 got mad at me about flushing, it was like
14 1:30, two o'clock in the morning and he
15 looked at it and I said, "What do you
16 think it is?" And he said, "I think it's
17 blood."

18 Q. Well, what time, how could you see this if
19 the light was off?

20 A. Because a little bit of light comes
21 through from the window. They've got
22 spotlights on the walls that reflect. It
23 comes through like a beam. The window is
24 only like this thin so some beams come

1 through.

2 Q. So you didn't tell anyone that worked for
3 the jail before two o'clock that you
4 vomited blood, did you?

5 A. Yes, I did. I didn't say blood. I just
6 told them I was sick. I was real sick. I
7 said something ain't right. I kept
8 telling the CO on. I told him.

9 Q. Who was that CO?

10 A. I don't know. I don't know who it was.

11 Q. Was it a male or female?

12 A. Male, male. Pretty sure it was a male.

13 Q. About what time was it, sir, when you
14 spoke with the CO, the male CO, that
15 evening when you told them that you were
16 vomiting and things didn't seem right?

17 A. After the first time I threw up, I said
18 something when they came by when they were
19 checking doors.

20 Q. Was it after eleven o'clock?

21 A. Yes, yes, yes.

22 Q. Was it after midnight?

23 A. I can't tell you that. I don't know.

24 There is no clock in our view. Like where

1 you sit in that cell, you can't see a
2 clock. You can estimate by what show is
3 on TV, by the sounds and when he makes his
4 rounds. Because you know he is going to
5 make a round every hour so you say, Well,
6 now it's 12, he just made his round. But
7 you can't really see a clock so I can't
8 tell you exactly.

9 Q. Okay. And you had been asleep from around
10 the time of lockdown until sometime later
11 on that night, right?

12 A. Yes.

13 Q. And you don't know what time it was that
14 you vomited the first time, do you?

15 A. The first time, I think it was right after
16 11 because I knew because he had just made
17 his rounds earlier. I was still up
18 sitting there. Everybody else was
19 sleeping. I had woke up sick. I was in
20 my bed trying to hold it down. I was
21 trying to think of what was wrong with me.
22 I was hoping it could be the flu. The
23 nurse told me it could be coming off the
24 medications. I was thinking all kinds of

1 things, hoping it was something that
2 wouldn't be serious. And I remember that
3 is when I seen him come by and it was a
4 short time after he came by that I threw
5 up, you know, threw up, you know.

6 Even like the doctor told me in
7 the hospital, he's like, you know, for the
8 amount of blood you lost, he goes, you had
9 to be throwing up blood for more than
10 that. I am, like, I'm telling you, he
11 goes, you were about a half hour from
12 being dead, you never would have made it.

13 Q. When did you first tell a corrections
14 officer that you thought that you were
15 vomiting blood?

16 A. I am not sure.

17 Q. It was after you had spoke with Chin,
18 right, sometime after that?

19 A. Yes. I said I am not exactly sure what
20 time, but I had said I had tried to argue
21 with him because he wouldn't -- when a CO
22 came by and I tried to get his attention,
23 I tried to speak as he is walking by so he
24 would hear me through the door, you know,

1 because the doors are real tight. And so
2 I explained I think I am throwing up
3 blood, I'm sick, real fast so he would
4 hear me. He just kept ignoring me.

5 Q. Who was that CO?

6 A. I don't know. I don't know.

7 Q. And on occasions when you would try to
8 speak with the corrections officer through
9 the door, the corrections officer made no
10 response, he would just walk right by you?

11 A. No. There was an occasion where I talked
12 to him and he told me he couldn't do
13 nothing for me, that the nurse was busy or
14 something, to see the doctor tomorrow.
15 Should have said something earlier,
16 something like that. You know, he just
17 kept giving me excuses because he didn't
18 want to do anything.

19 Q. What did that corrections officer look
20 like?

21 A. I don't know. It was dark between doors.

22 Q. A male corrections officer?

23 A. I am pretty sure it was a male that time.

24 Q. And that person spoke with you, right, so

1 you heard a male voice speaking with you
2 about that?

3 A. Uhhh, yes. Yes.

4 Q. Okay.

5 A. Yes.

6 Q. And how long after you --

7 A. He is the same one. I tried again. He
8 wouldn't listen to me. I had the button
9 turned off. I took a newspaper and slid
10 it down the door and I kept slapping it
11 from side to side to get his attention and
12 he wouldn't even look at me.

13 Q. Was there one or more than one corrections
14 officer on the block during the night of
15 the 25th of August into the morning of the
16 26th of August when you were vomiting?

17 A. They only had one, one officer in that
18 unit no matter what all the time.

19 Q. Okay. And when you tried to get the
20 corrections officer's attention, it was
21 after you had spoken with Chin about the
22 vomiting?

23 A. Yes. That was much later.

24 Q. Okay. So that would have been sometime

1 after two o'clock?

2 A. I would think, yes.

3 Q. In the morning?

4 A. Yes, yes, with the newspaper. But then he
5 wasn't -- he didn't -- they had switched
6 already. That was -- no. I done that
7 before they switched because when she was
8 on, she was the second, she was after him.
9 And I talked to her a couple of times and
10 she --

11 Q. Who?

12 A. I think her name is Violet or something.
13 CO Violet or something like that. It is
14 the name of a flower, her name. And she
15 told me to see the nurse in the morning.
16 And I said, "Listen, nobody will listen to
17 me." I told her a couple times nobody
18 will listen to me, I am sick, I think I am
19 throwing up blood. She told me to lay
20 down, it would be all right, don't worry
21 about it, you probably ate something.
22 Gave me some -- I don't remember what she
23 told me. She just told me don't worry
24 about it. Orchid, her name is Orchid, the

1 flower.

2 Q. Orchid. And at what time did Officer
3 Orchid come on duty?

4 A. I'm not sure.

5 Q. When did you first speak with Officer
6 Orchid?

7 A. I don't know the exact time, but it was
8 late in the night.

9 Q. How did you speak with Officer Orchid?

10 A. Through the door.

11 Q. What does Officer Orchid look like?

12 A. Oh, she is probably my height probably,
13 got black hair. She's kind of got kind of
14 big hips. That is all I would know about
15 her. I don't know.

16 Q. Does she wear glasses?

17 A. I don't think so. There was only like two
18 women in there, and I saw her and I
19 remember like later on, this is like
20 months down the road I was trying to find
21 out who she was. And they said that's the
22 girl right there, yes, that's her.

23 Q. Would you explain that again, please?
24 What did you just say?

1 A. I didn't know her name but I knew who she
2 was, what she looked like. And I
3 explained it to a friend of mine that was
4 in there with me in the jail. We had the
5 hallway job. And I go, I'm trying to find
6 out who this CO was that worked that
7 night, and I kept explaining. He goes,
8 It's got to be Orchid, he goes, that's the
9 only girl with the black hair. I goes,
10 Show she what she looks like when she
11 comes by one of these days. So this is
12 like months later when she came down the
13 hall. He pointed her out to me. I can
14 remember the back of her how the outline
15 looked.

16 Q. Officer Orchid wasn't there when you were
17 putting your newspaper in the door, was
18 she?

19 A. No, not that I know of.

20 Q. Do you know what time it was --

21 A. But they had the buttons turned off. She
22 probably didn't turn the button off
23 because the guy had the button off. Every
24 time I hit the button, there was no sound.

1 Every time I got sick I would hit the
2 button and nobody would come. Usually
3 when the buttons are on, if you turn the
4 button in the cell you hear a high pitch
5 beep to let an officer know that somebody
6 needs assistance. And they had the
7 buttons turned off.

8 Q. Did you see somebody turn the button off?

9 A. Did I see them turn it off, no. But I
10 know when he turned it off.

11 Q. How many times did you speak with Officer
12 Orchid that evening?

13 A. I think twice.

14 Q. How did you get Officer Orchid's attention
15 the first time?

16 A. She even told me she was going to call
17 down to medical for me. She came by the
18 door when I got her attention.

19 As a matter of fact, she even
20 told me she called down to medical. She
21 goes, "I made a call to medical, that is
22 all I can do." She says, "I can't make
23 them see you."

24 Q. So when she was -- the first time you saw

1 her she was by your door?

2 A. She was coming by. When they go in and do
3 counts, they come by, grab the handles,
4 make sure the doors are locked.

5 Q. What did you do when you saw her?

6 A. I just asked her if I could talk to her.
7 I said I needed medical help, I wanted to
8 talk to her. She came up to the door and
9 she is like, What's the matter? And I
10 explained to her I am sick, I am throwing
11 up. I told her about how I felt. And
12 first she told me just, you know, lay
13 down, drink some water, you'd be able to
14 see medical in the morning. I said it's
15 bad, I kept saying I need to see a doctor.
16 She goes, "There is no doctor here,"
17 something like that, "At night," she says,
18 "The nurse is downstairs." And I said,
19 "Can you call the nurse?" And she's like
20 yes, and she just left. And then --

21 Q. Okay. So that was what happened during
22 your first discussion with Officer Orchid,
23 right?

24 A. Yes.

1 Q. Do you recall anything else that she said
2 to you?

3 A. No.

4 Q. Do you recall anything else that you said
5 to her?

6 A. No.

7 Q. And at that time Officer Orchid said she
8 was going to call the nurse for you?

9 A. Yes.

10 Q. Do you know whether she did so?

11 A. Nothing happened for like an hour or so.
12 It was a good while. And she came by
13 again and I asked her, you know, Did you
14 call the nurse? She says, "I called down
15 there for you," she goes. You know, I
16 don't know if she said they're busy or
17 something, she goes, "I can't make them
18 come up." And I said, "I'm really sick,"
19 I said, "I feel real sick like, you know,
20 I'm going to die or something." She says,
21 "You're not going to die," like that.

22 Q. Okay?

23 A. And she told me to lay down, just take it
24 easy.

1 Q. Okay. Do you recall anything else that
2 you said to Officer Orchid at that time?

3 A. No. Just --

4 Q. Okay.

5 A. I know I told her a few times I was really
6 sick. I said just I think I am throwing
7 up blood. She asked -- I think she asked
8 me how I knew it was blood. I said
9 because the way it looks in the water.
10 And she goes, "Well, I will call medical."
11 She said she would call medical again. I
12 think she did call them again or she said
13 she did call them again, but I don't know
14 if she did or didn't. And nobody ever
15 came back up or nothing.

16 Q. Okay. So you recall telling Officer
17 Orchid specifically that you thought you
18 were throwing up blood?

19 A. Yes. I said I got something in my -- I
20 said I'm throwing up, and I go and it
21 looks like coffee grounds, I think it's
22 blood.

23 Q. You're sure you told that to Officer
24 Orchid?

1 A. Yes, yes. I said I think it's blood.

2 Q. Did you tell Officer Orchid that it looked
3 like coffee grounds?

4 A. Yes.

5 Q. And what did Officer Orchid say when you
6 said that to her, that you thought you
7 were throwing up --

8 A. She said that she was calling medical.

9 Q. Do you know if Officer Orchid did call
10 medical?

11 A. No.

12 Q. You don't know either way?

13 A. No.

14 Q. And those were the only conversations you
15 had with Officer Orchid that night?

16 A. Yes. Pretty much.

17 Q. Okay. What time did the second
18 conversation take place?

19 A. I have no idea. I know it was late in the
20 night. All that stuff happened between 11
21 and like, let me see, I didn't see the
22 nurse until nine o'clock in the morning.
23 I saw Joe Whitmore. So it was probably up
24 till seven. I know because the last --

1 there was the first officer on that night
2 and then there was her and then the guy
3 that came on in the morning right before
4 Joe Whitmore came in, I had said something
5 to him. He is the one that got mad at me
6 and told me to get away from the panel
7 because he "didn't want to get what the
8 fuck I had." He didn't want to get my
9 sickness.

10 Q. All right. Officer Orchid had never said
11 anything like that to you, did she?

12 A. No, no.

13 Q. She listened to what you had to say?

14 A. Yes.

15 Q. And told you she would call medical,
16 right?

17 A. Yes.

18 Q. Did she seem concerned about what you had
19 to say when you told her about it, or at
20 least willing to listen?

21 A. She acted like she was busy, but she
22 listened.

23 Q. And she said she would help you?

24 A. That she was going to call medical, yes.

1 Q. Okay. So the next morning around nine
2 o'clock, you saw, you went to the medical
3 area?

4 A. No. Nine o'clock, the nurse came into the
5 unit. That was Joe Whitmore.

6 Q. Do you know why Joe Whitmore came to the
7 unit around nine o'clock?

8 A. To pass out meds to everybody.

9 Q. Did you walk to where Mr. Whitmore was
10 passing out meds?

11 A. Yes. I waited until the line got down so
12 I could get to him. And when the line got
13 low enough, he was right near the chair so
14 I walked, I got over to where the chair
15 was. I sat down next to the -- the chair
16 is here, say, and here is the table right
17 about where his little booth was, where
18 his little cart was.

19 And he goes, "What's the matter?"
20 I said, "I'm really sick." And I
21 explained to him what was going on and
22 that I am puking blood. And he goes -- he
23 told me, No, it couldn't be. All I got is
24 -- he said I had stomach, I mean food

1 poisoning. And he gave me Maalox.

2 I said, you know, I said,
3 "Listen," I go, "Listen, I'm a chef by
4 trade. I've been a chef over 20 years."
5 I said, "I know what I'm doing." I said,
6 "This is not food poisoning, I've had food
7 poisoning." And he goes, "It's a mixture
8 of whatever, food poisoning or something,
9 whatever you were coming off when you got
10 here," he says, "there's nothing I can do,
11 this is all I can do." He goes, "You have
12 to wait until tomorrow to see the doctor,
13 the doctor is not here today."

14 I said, "You mean to tell me
15 there's no doctor in this building?" He
16 says, "No, there's no doctor." So he goes
17 here's a -- he gave me one thing of Maalox
18 and he gave me an extra thing of Maalox.
19 He says, "Just take this, go lay down,
20 just drink a lot of water and you will be
21 all right."

22 And I went back in the room and I
23 just laid there and did what I had to do.

24 Q. Did Mr. Whitmore -- you told Mr. Whitmore

1 that you were vomiting blood?

2 A. Yes. I said I think it's blood. It looks
3 like cake and coffee, I said, it looks
4 like. And he goes, "You've got food
5 poisoning."

6 Q. Okay.

7 A. After I got out of the hospital, he came
8 up to my cell and apologized to me. He
9 said, "I should have taken you to the
10 hospital," he goes, "I didn't know it was
11 that bad."

12 Q. He told you --

13 A. He said, "I'm sorry," he said, "I am
14 sorry, I apologize." He goes, "I really
15 am sorry. I didn't realize it was that
16 bad."

17 I go, "Hey, you didn't do it on
18 purpose," I go, "but you know, I almost
19 died, Man." He goes, "I know you did."

20 Q. He felt bad about what had happened?

21 A. Yes. That I didn't get attention fast
22 enough, that he should have taken me
23 seriously when he was in the unit, you
24 know, got me down to a doctor faster.

1 Q. Okay. One of the things that Mr. Whitmore
2 said to you was that he didn't know that
3 it was as serious as it turned out to be?

4 A. Yes.

5 Q. Did you believe him when he said that?

6 A. By the way he said it, yes.

7 Q. Okay.

8 A. Yes. I think when he said, you know, he
9 goes, "Scott, I hear stories all day long
10 from people. They want to get medication.
11 They say this and they say that." And he
12 goes, and he goes, you know, he goes, "I
13 just didn't, I didn't think you were that
14 bad, you know, serious." I mean when
15 he --

16 Q. You don't claim that he knew that you were
17 very very sick and decided, just decided
18 not to help you, do you?

19 MR. TUMPOSKY: Objection. You can
20 answer.

21 A. No. I mean, like the most I think it was,
22 like, he was just -- he had a face, you
23 know, I guess they put on a facade when
24 they don't want to hear what is wrong with

1 you. This is the problem, you know,
2 because he is dealing with so many people.
3 So when I was trying to tell him, he
4 didn't listen to me. He didn't hear me
5 because he was in that facade of being
6 like treating like a person like an
7 inmate.

8 You know, this is what it is,
9 this is what is written for you, this is
10 what you are going to get, you know, you
11 don't get nothing else, that kind of
12 thing. You know, because even when I
13 finally made it downstairs, the way he ran
14 out of the room when he checked my blood,
15 he was -- his face was white. He was
16 scared to death. He thought I was going
17 to die right there. And he's yelling,
18 "There's no time for an ambulance," he
19 said, "Get him now, get him now, we have
20 to go now." They had to get me to a
21 hospital.

22 Q. So when he realized there was a very very
23 low blood pressure, in an emergency
24 situation, he acted right away?

1 A. He ran out of the room. He dropped his
2 stethoscope right there on the floor and
3 ran to a phone. I heard him. The door
4 wasn't even shut yet. It was an automatic
5 door and I could hear him yelling through
6 the communications center, "Call 911, get
7 an ambulance here now."

8 Q. Okay. And at that point in time people
9 acted quickly to get you to the hospital?

10 A. Yes.

11 Q. Okay.

12 A. Yes.

13 Q. Can you describe for me, please, your
14 formal education beginning with high
15 school? Did you graduate high school?

16 A. Yes.

17 Q. Okay. Where did you graduate from high
18 school?

19 A. Plantation High, Florida.

20 Q. Okay. Did you go on for any further
21 formal education after that?

22 A. Well, I mean I worked under a French chef
23 in a country club to learn how to be a
24 chef. It wasn't a school. It was back in

1 turned off the button.

2 A. Yes, sir.

3 Q. Now, you didn't see him turn off the
4 button, did you?

5 A. It was working when I first rang it and it
6 wasn't working the second, third or fourth
7 time I rang it.

8 Q. Did you misunderstand my question? You
9 did not see him turn off the button, did
10 you?

11 A. No.

12 Q. Okay.

13 A. I did not.

14 MR. CLARK: I think that is all.

15 MR. BREEN: Just a few follow-ups,
16 please.

17 REDIRECT EXAMINATION

18 BY MR. BREEN:

19 Q. Mr. Rodgers, did Officer Orchid threaten
20 you at all?

21 A. No.

22 Q. How about Mr. Whitmore, did he ever
23 threaten you?

24 A. No.

1 Q. How about Mr. Smith, you never spoke with
2 Mr. Smith, right?

3 A. No, I never spoke with Mr. Smith.

4 Q. He didn't threaten you, did he?

5 A. No.

6 Q. Did Officer Orchid intimidate you?

7 A. No. She just --

8 Q. Did she coerce you into doing something
9 you didn't want to do?

10 A. No.

11 Q. And what about Mr. Whitmore, did he
12 intimidate you in any way or coerce you
13 into doing something you didn't want to
14 do?

15 A. No.

16 Q. How about Mr. Smith, did he ever
17 intimidate you or coerce you into doing
18 something you didn't want to do?

19 A. No.

20 Q. Do you know of any policy, official policy
21 of Plymouth County Sheriff's Department to
22 deny medical care to people who are
23 seriously in need? Is there any such
24 policy to your knowledge?